

REMARKS

Claims 1-40 are pending in the above-referenced patent application. Independent claims 1 and 21 each provides that substantially no steam is introduced into formation or emission press system, from a source outside the press system, during the production of the lignocellulosic product. Furthermore, in these present claims, the pressure in the formation or emission press system does not exceed about 50 psi during formation of the lignocellulosic product. In claims 15 and 35, the does not exceed 40 psi. Claims 4 and 24 set forth that the mat is bonded together with heat and pressure provided thereto by said formation press to form the lignocellulosic product.

Claims 1-3, 5-7, 9-23, 25-27 and 29-40 are rejected under 35 USC §103(a) as being unpatentable over WO 00/25999 in view of Bonomo, et al. (US 5,980,798). This rejection is traversed for the reasons set forth below.

The Examiner has not made a prima facie case that the claims now pending in this application are unpatentable for the reasons set forth in the Response filed on November 5, 2003. Furthermore, the method of the WO 00/25999 reference is conducted in the presence of high pressure steam which is injected into the formation area. Conversely, the present claims provide that substantially no steam is introduced into the formation or emission press system, from a source outside the press system, during the production of the lignocellulosic product. Moreover, the pressure in the formation or emission press system does not exceed about 50 psi during formation of the lignocellulosic product, and in the case of claims 15 and 35, does not exceed 40 psi. Therefore, the subject claims clearly distinguish over the WO 00/25999 reference.

The Bonomo, et al. reference does not suggest or teach the claimed invention. Bonomo, et al is also conducted in the presence of high pressure steam which is injected into the formation area. Conversely, the present claims provide that substantially no steam is introduced into the formation or emission press system, from a source outside the press system, during the production of the lignocellulosic product. Moreover, the pressure in the formation or emission press system does not exceed about 50 psi during formation of the lignocellulosic product, and in the case of claims 15 and 35, does not exceed 40 psi. Therefore, the subject claims clearly distinguish from the Bonomo, et al reference.

Absent some motivation, incentive, or suggestion in the prior art supporting the modification of a reference, obviousness cannot be established by combining the teachings of the prior art to modify the reference for purposes of producing the claimed invention. To make an obviousness rejection based on a combination of references, the Examiner must be able to point to a reference which suggests the combination. Absent such a suggestion, the Examiner has impermissibly used applicant's teachings to examine the prior art for the claimed elements, and combine them as claimed. The Examiner's rejection under 35 U.S.C. 103(a) constitutes hindsight reconstruction based on the applicant's own claims.

In summary, for the reasons set forth above, neither the WO 00/25999 nor the Bonomo, et al. references, alone or in combination, do not teach or suggest the invention set forth in claims 1-3, 5-7, 9-23, 25-27 and 29-40.

Claims 1-3, 5-7, 9-10, 21-27 and 29-32 are rejected under 35 USC §103(a) as being unpatentable over Bonomo, et al. (US 5,980,798) in view of WO 00/25999. The Examiner has not made a prima facie case that the claims pending in this application are obvious. This rejection is traversed for the reasons set forth below.

Bonomo, et al. does not suggest or teach the claimed invention for the reasons set forth above. The differences between the rejected claims and the Bonomo, et al. reference have been discussed above.

WO 00/25999 does not suggest or teach the claimed invention for the reasons set forth above. The differences between the rejected claims and the WO 00/25999 reference have been discussed above.

Absent some motivation, incentive, or suggestion in the prior art supporting the modification of a reference, obviousness cannot be established by combining the teachings of the prior art to modify the reference for purposes of producing the claimed invention. To make an obviousness rejection based on a combination of references, the Examiner must be able to point to a reference which suggests the combination. Absent such a suggestion, the Examiner has impermissibly used applicant's teachings to examine the prior art for the claimed elements, and combine them as claimed. The Examiner's rejection under 35 U.S.C. 103(a) constitutes hindsight reconstruction based on the applicant's own claims.

In summary, for the reasons set forth above, neither the WO 00/25999 nor the Bonomo, et al. references, alone or in combination, do not teach or suggest the invention set forth in claims 1-3, 5-7, 9-10, 21-27 and 29-32.

Claims 1-3, 5-7, 9-10, 21-23, 25-27, and 29-32 are rejected under 35 USC §103(a) as being unpatentable over Breiter, et al. (US 4,854,994) in view of WO 00/25999. This rejection is traversed for the reasons set forth below.

The Examiner has not made a prima facie case that the claims now pending in this application are obvious for the reasons set forth in the Response filed on November 5, 2003. Furthermore, WO 00/25999 does not suggest or teach the claimed invention for the reasons set forth above. The differences between the rejected claims and the WO 00/25999 reference have been discussed above.

The Breiter et al. reference does not suggest or teach the claimed invention. Breiter et al. employs external steam injection at high pressure for hot pressing industrial laminates. The subject method does not include externally introduced steam injection. As previously stated, the present claims provide that substantially no steam is introduced into the formation or emission press system, from a source outside the press system, during the production of the lignocellulosic product. Moreover, the pressure in the formation or emission press system does not exceed about 50 psi during formation of the lignocellulosic product, and in the case of claims 15 and 35, does not exceed 40 psi. Therefore, the subject claims clearly distinguish from the Breiter reference.

Absent some motivation, incentive, or suggestion in the prior art supporting the modification of a reference, obviousness cannot be established by combining the teachings of the prior art to modify the reference for purposes of producing the claimed invention. To make an obviousness rejection based on a combination of references, the Examiner must be able to point to a reference which suggests the combination. Absent such a suggestion, the Examiner has impermissibly used applicant's teachings to examine the prior art for the claimed elements, and combine them as claimed. The Examiner's rejection under 35 U.S.C. 103(a) is based on hindsight reconstruction using the applicant's own claims.

In summary, for the reasons set forth above, neither Breiter, et al or WO 00/25999 teach or suggest the invention set forth in claims 1-40.

Claims 4 and 24 are rejected under 35 USC §103(a) rejected under 35 USC §103(a) as being unpatentable over the references set forth in numbered paragraphs 9 or 10 as applied to claim 1 or 21 above, and further in view of Tisch (US 5,433,905) and Camp, III (US 3,992,135).

This rejection is traversed for the reasons set forth below. The Examiner has not made a prima facie case that claims 4 and 24 are obvious for the reasons set forth in the Response filed on November 5, 2003.

WO 00/25999 and Bonomo, et al. does not suggest or teach the claimed invention for the reasons set forth above. The differences between the rejected claims and the WO 00/25999 and the Bonomo, et al. references have been discussed above.

The Tisch reference does not suggest or teach the claimed invention as well. Tisch is directed to a cementitious-containing particulate board which employs externally introduced steam or gas injection at high pressure to cure the cementitious material. The subject method does not employ either external high-pressure steam or gas injection. As previously stated, the present claims provide that substantially no steam is introduced into the formation or emission press system, from a source outside the press system, during the production of the lignocellulosic product. Moreover, the pressure in the formation or emission press system does not exceed about 50 psi during formation of the lignocellulosic product, and in the case of claims 15 and 35, does not exceed 40 psi. Therefore, the subject claims clearly distinguish from the Tisch reference.

Camp III employs a dielectric high pressure heating source for use as the external curing source for the resin component of a board product. Claims 4 and 24 are not directed to high pressure curing as described above.

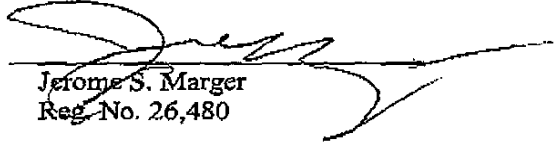
Absent some motivation, incentive, or suggestion in the prior art supporting the modification of a reference, obviousness cannot be established by combining the teachings of the prior art to modify the reference for purposes of producing the claimed invention. To make an obviousness rejection based on a combination of references, the Examiner must be able to point to a reference which suggests the combination. Absent such a suggestion, the Examiner has impermissibly used applicant's teachings to examine the prior art for the claimed elements, and combine them as claimed. The Examiner's rejection under 35 U.S.C. 103(a) comprises hindsight reconstruction based on the applicant's own claims.

In summary, for the reasons set forth above, neither the WO 00/25999 nor the Bonomo, et al. references, in view of Tisch and Camp, III, teach or suggest the invention set forth in claims 4 and 24.

For the foregoing reasons, reconsideration and allowance of claims 1-40 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that discussion of the issues in this matter would be helpful in advancing the case.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.  
1030 SW Morrison Street  
Portland, OR 97205  
503-222-3613



Jerome S. Marger  
Reg. No. 26,480

Customer No. 20575